



The Tennessee Sunshine Law Passed by the General Assembly in 1974 requires that meetings of state, city and county government bodies be open to the public and that any such governmental body give adequate public notice of such meeting.

TENNESSEE DEPARTMENT OF HEALTH

MEMORANDUM

Date: May 17, 2022

To: Sarah Tanksley, Director of Communications and Media Relations

From: Wanda E. Hines, Board Administrator

Name of Board or Committee: Board for Licensing Health Care Facilities Meeting

Date of Meeting: June 1, 2022

Time: 9:00 a.m., Central Time

Place: Iris Conference Room
665 Mainstream Drive, First Floor
Nashville, TN 37243

Major Item(s) on Agenda: See attachment.

Link to Live Video Stream:

<https://tdh.streamingvideo.tn.gov/Mediasite/Play/16839d16296e48aca944be5341054df31d>

This memo shall be forwarded from individual programs to the Public Information Office on the 15th day of the preceding month. The Public Information Office will prepare the monthly list of meetings within the Department and have ready for distribution to state media by the 28th day of the preceding month.

LISA PIERCEY, MD, MBA, FAAP
COMMISSIONER

BILL LEE
GOVERNOR

*THE MISSION OF THE TENNESSEE DEPARTMENT OF HEALTH IS TO PROTECT, PROMOTE AND
IMPROVE THE HEALTH AND PROSPERITY OF PEOPLE IN TENNESSEE.*

TENTATIVE AGENDA

BOARD FOR LICENSING HEALTH CARE FACILITIES

BOARD MEETING

JUNE 1, 2022

**IRIS CONFERENCE ROOM, FIRST FLOOR
9:00 a.m.**

**PLEASE REMEMBER TO SILENCE YOUR ELECTRONIC DEVICES
WHEN THE BOARD IS IN SESSION**

- I. WELCOME NEW BOARD MEMBERS: N/A
- II. CALL THE MEETING TO ORDER AND ESTABLISH A QUORUM.
- III. LEGISLATIVE UPDATES 2022 – Office of Legislative Affairs
- IV. RULEMAKING HEARING(S): Notice of Rulemaking Hearings can be viewed online at:
https://publications.tnsosfiles.com/rules_filings/03-03-22.pdf
 - A. 1200-08-01 Standards for Hospitals
 - 1200-08-01-.01 Definitions
 - 1200-08-01-.02 Licensing Procedures
 - 1200-08-01-.03 Disciplinary Procedures
 - 1200-08-01-.04 Administration
 - 1200-08-01-.05 Admissions, Discharges, and Transfers
 - 1200-08-01-.10 Infectious and Hazardous Waste
 - B. 1200-08-02 Standards for Prescribed Child Care Centers
 - 1200-08-02-.01 Definitions
 - 1200-08-02-.03 Disciplinary Procedures
 - 1200-08-02-.09 Infectious and Hazardous Waste

- C. 1200-08-06 Standards for Nursing Homes
 - 1200-08-06-.01 Definitions
 - 1200-08-06-.03 Disciplinary Procedures
 - 1200-08-06-.09 Infectious and Hazardous Waste
- D. 1200-08-10 Standards for Ambulatory Surgical Treatment Centers
 - 1200-08-10-.01 Definitions
 - 1200-08-10-.03 Disciplinary Procedures
 - 1200-08-10-.10 Infectious and Hazardous Waste
- E. 1200-08-11 Standards for Homes for the Aged
 - 1200-08-11-.01 Definitions
 - 1200-08-11-.03 Disciplinary Procedures
 - 1200-08-11-.09 Infectious and Hazardous Waste
- F. 1200-08-15 Standards for Residential Hospices
 - 1200-08-15-.01 Definitions
 - 1200-08-15-.03 Disciplinary Procedures
 - 1200-08-15-.10 Infectious and Hazardous Waste
- G. 1200-08-24 Standards for Birthing Centers
 - 1200-08-24-.01 Definitions
 - 1200-08-24-.03 Disciplinary Procedures
 - 1200-08-24-.09 Infectious and Hazardous Waste
- H. 1200-08-25 Standards for Assisted-Care Living Facilities
 - 1200-08-25-.02 Definitions
 - 1200-08-25-.05 Regulatory Standards
 - 1200-08-25-.06 Administration
 - 1200-08-25-.08 Admissions, Discharges, and Transfer
 - 1200-08-25-.11 Infectious and Hazardous Waste
 - 1200-08-25-.16 Disaster Preparedness
- I. 1200-08-26 Standards for Homecare Organizations Providing Home Health Services
 - 1200-08-26-.01 Definitions
 - 1200-08-26-.03 Disciplinary Procedures
 - 1200-08-26-.10 Infectious and Hazardous Waste
- J. 1200-08-27 Standards for Home Care Organizations Providing Hospice Services
 - 1200-08-27-.01 Definitions
 - 1200-08-27-.03 Disciplinary Procedures
 - 1200-08-27-.10 Infectious and Hazardous Waste
- K. 1200-08-28 Standards for HIV Supportive Living Centers
 - 1200-08-28-.01 Definitions
 - 1200-08-28-.03 Disciplinary Procedures
 - 1200-08-28-.10 Infectious and Hazardous Waste

- L. 1200-08-29 Standards for Home Care Organizations Providing Home Medical Equipment
 - 1200-08-29-.01 Definitions
 - 1200-08-29-.03 Disciplinary Procedures
 - 1200-08-29-.10 Infectious and Hazardous Waste
- M. 1200-08-32 Standards for End Stage Renal Dialysis Clinics
 - 1200-08-29-.01 Definitions
 - 1200-08-29-.03 Disciplinary Procedures
 - 1200-08-29-.10 Infectious and Hazardous Waste
- N. 1200-08-35 Standards for Outpatient Diagnostic Centers
 - 1200-08-35-.01 Definitions
 - 1200-08-35-.03 Disciplinary Procedures
 - 1200-08-35-.10 Infectious and Hazardous Waste
- O. 1200-08-36 Standards for Adult Care Homes – Level 2
 - 1200-08-36-.01 Definitions
 - 1200-08-36-.04 Regulatory Standards
 - 1200-08-36-.13 Infectious and Hazardous Waste
- P. 1200-08-37 Traumatic Brain Injury Residential Homes
 - 1200-08-37-.01 Definitions
 - 1200-08-37-.04 Regulatory Standards
 - 1200-08-37-.13 Infectious and Hazardous Waste
 - 1200-08-37-.17 Disaster Preparedness

V. LICENSE STATUS REQUESTS.

A. SISKIN HOSPITAL'S SUBACUTE REHABILITATION PROGRAM, CHATTANOOGA (NH #382)

This twenty-nine (29) bed nursing home facility is requesting a fifth inactive status extension waiver for their license to remain on inactive status for an additional one (1) year through June 2023. Siskin Hospital Subacute Rehabilitation Program was placed on inactive status for one (1) year on June 7, 2017 which expired June 7, 2018; an extension inactive status waiver was granted June 7, 2018 which expired June 7, 2019; a second extension inactive status for one (1) year on June 7, 2019 which expired June 7, 2020; a third extension inactive status for one (1) year was granted on June 7, 2020 which expired on June 2, 2021 and a fourth extension inactive status for one (1) year was granted on June 2, 2021 which will expire on June 2, 2022.

REPRESENTATIVE(S): Dan Elrod, Attorney

B. PRIME IMAGING, LLC d/b/a DIAGNOSTIC PET/CT OF CHATTANOOGA, CHATTANOOGA (ODC #49)

Diagnostic PET/CT of Chattanooga is requesting their license to be placed on inactive status. Prime received a Certificate of Need in 2004 allowing to initiate PET/CT services and establish an ODC at the 2205 McCallie Avenue location. On or about April 9, 2019, Prime submitted a Certificate of Need Application to relocate its PET/CT machine. It explained in its application to relocate its ODC license, which was granted, and the PET/CT machine has been relocated. Prime is continuing to evaluate the market and continuing its options related to the ODC license.

REPRESENTATIVE(S): Catherine S. Dorvil, Attorney

- C. **HUMBOLDT NURSING AND REHABILITATION CENTER, HUMBOLDT (NH #87)**
This one hundred twenty (120) bed skilled nursing home facility is requesting an extension waiver for their license to remain on inactive status for one (1) additional year. Its license is currently scheduled to expire on June 5, 2022. The owner of HNRC is actively pursuing sale or reopening possibilities and needs additional time to complete this process. Humboldt Nursing and Rehabilitation Center, Humboldt was granted inactive status for one (1) year waiver in October 2021, with a readjusted expiration date of June 2022.

REPRESENTATIVE(S): Bill West, Attorney

- D. **COOKEVILLE REGIONAL MEDICAL CENTER/UPPER CUMBERLAND PHYSICIAN'S SURGERY CENTER, COOKEVILLE (ASTC #155)**
Upper Cumberland Physicians Surgery Center is requesting an extension waiver for their license to remain on inactive status for one (1) additional year. Due to the disruption and distraction resulting from the COVID pandemic, Cookeville Regional Medical Center has not had an adequate opportunity to develop plans for Upper Cumberland Physician's Surgery Center. This ambulatory surgical treatment center is operating as a joint venture between Cookeville Regional Medical Center and local physicians.

REPRESENTATIVE(S): Dan H. Elrod, Attorney

- E. **CAMDEN DIALYSIS, CAMDEN (ESRD #14)**
This ESRD facility is requesting an extension waiver for their license to remain on inactive status. Camden Dialysis will be changing their dba to Huntingdon Dialysis. This site is still under construction and Camden expect to have a Certificate of Occupancy in early June 2022. This will allow enough time for the clinic set-up and perform two (2) consecutive weeks of acceptable water cultures and electrolyte testing and coordinating onsite TDOH inspections related to life safety regulations and health facilities licensure will determine the opening date. Camden at the Huntingdon location will be the same approved number of thirteen (13) in-center hemodialysis stations and will add the services of PD home training and support. Camden Dialysis was granted an inactive status waiver on April 5, 2022, which expires in June 2022.

REPRESENTATIVE(S): Tammy Carrington, Group Facility Administrator

VI. WAIVER REQUESTS.

- A. **TANDEM DIABETES CARE, INC., SAN DIEGO, CA (HME File #1337)**
Tandem Diabetes Care, Inc., submitted their application and fee to apply for licensure as a Home Medical Equipment Provider in Tennessee. As Tandem prepares for its initial survey they request the Board a waiver of certain Rules under Chapter 1200-08-29, Standards for Home Care Organizations providing home medical equipment. Under Tennessee law, a provider of home medical equipment has its principal place of business outside of Tennessee, under Tennessee Code Section 68-11-226(e) Tandem is not subject to this requirement because Tandem manufactures and distributes its own company-branded insulin infusion pumps; maintains an employee presence in Tennessee; is accredited by a CMS-approved accrediting organization; and maintains a 24/7 service number. Tandem does not maintain a physical facility in Tennessee. Tandem request from the Board a waiver for the following rules: (1) Rule 1200-08-29-.04(7) – Post notices in the main public entrance; (2) Rule 1200-08-29-.04(8) – No smoking signs; (3) Rule

1200-08-29-.06(2)(f), (4) – Annual Influenza Vaccination Program; Rule 1200-08-29-.06(5) - Physical location; and Rule 1200-08-29-.06(6)(c) – Staff or contract with a qualified rehabilitation professional – insulin infusion pumps not require nor does Tandem have any use for the services of a qualified rehabilitation professional. Tandem is in the process of gathering the materials necessary for the initial licensure survey which will be provided to the surveyor at the time of their initial review.

REPRESENTATIVE(S): Tracey L. DeLange, Esq., Corporate Counsel

B. VANDERBILT UNIVERSITY MEDICAL CENTER, NASHVILLE (HOSP #27)

On behalf of Vanderbilt University Medical Center (VUMC), Nashville to request the Board for Licensing to grant the following waivers. Vanderbilt requests the extension of waivers permitting continued use of an observation unit on the first floor until construction in the area is completed in late 2022. VUMC was first granted waivers for this unit in 2014. The unit included seven observation rooms and eleven observation hold cubicles and the waiver relates to the size of the rooms and cubicles. VUMC did not expect this waiver would need to be extended. However, planned construction to bring rooms into compliance with FGI standards was delayed due to the COVID-19 pandemic.

Second, the Board has previously granted waivers to VUMC for the following:

- Temporary emergency department waiting and screening area;
- The use of 20 observation rooms on the Medical Center East, floors 6, 7, and 8 for inpatients;
- The use of 14 observation rooms on the 7th floor of the South Building for inpatients; and
- The use of semi-private occupancy in 115 rooms.

VUMC is completing the construction in phases. Phase 1 is underway currently and Phase 2 will begin late summer 2022. While it appears that the pandemic has subsided for the present, VUMC continues to need the additional capacity and flexibility created by the uses outlined. VUMC requests that the waivers for the four areas outlined above continue until the Board's meeting in February 2023.

REPRESENTATIVE(S): Dan H. Elrod, Attorney

VII. DISCUSSION(S).

- A. Second Data Report from Vanderbilt University Medical Center #27 regarding services for its Hospital Care at Home Program.
- B. Assisted Care Living Facility Administrators how many ACLF facilities can an administrator serve? This number is not stated by ACLF Rules and Regulations.
- C. Approval of the Joint Annual Report on the Status of Children's Emergency Care Alliance of Tennessee (CECA TN) 2022.

REPRESENTATIVE(S): Natasha Kurth, Executive Director
Children's Emergency Care Alliance of Tennessee
(CECA TN)

VIII. BOARD POLICY CONSENTS.

A. THE FOLLOWING NURSING HOMES ARE REQUESTING TO WAIVE NURSING HOME REGULATIONS 1200-08-06-.04(1) FOR A TENNESSEE REPLACEMENT IS HIRED OR RECEIVES HIS/HER LICENSE IN TENNESSEE BY BOARD POLICY #81:

1. Signature Healthcare of Cleveland, Cleveland (NH #16)
- Jaquelyn Spence, Temporary Administrator
2. Magnolia Healthcare and Rehabilitation Center (NH #182)
- Tevis Tuggle, RN, NHN, Temporary Administrator
3. AHC Forest Cove, Jackson (NH #170)
- Christopher Spence, Temporary Administrator

B. THE FOLLOWING NURSING HOMES ARE REQUESTING A WAIVER TO PROVIDE OUTPATIENT THERAPY SERVICES AS PROVIDED FOR BY BOARD POLICY #32:

1. Elk River Health and Nursing Center of Ardmore, Ardmore (NH #91)

IX. CONSIDERATION AND RATIFICATION OF LICENSURE APPLICATIONS (CHANGE OF OWNERSHIP (CHOWS) AND (INITIALS)).

A. SPECIAL CONSIDERATION.

1. (INITIALS)
N/A
2. (CHOWS)
N/A

B. RATIFICATION.

1. QUALIFYING APPLICATIONS (Approval)
(INITIALS)

(a) Home Health Agencies
Brightstar Care, Knoxville
MAG Homecare, Memphis
2. (CHOWS)
N/A

X. APPROVAL OF MINUTES.

A. April 5, 2022 Board Meeting

XI. LICENSE STATUS UPDATES.

CLARKSVILLE NORTH DIALYSIS, CLARKSVILLE (ESRD #166)

Clarksville North Dialysis, Clarksville will temporarily close and change their operating days and hours due to staffing shortage effective March 31, 2022. All ICHD patients that treat on TTS, will treat at Fort Campbell Dialysis, Clarksville.

***FACILITY CLOSURES**

See attachment.

XII. REPORTS.

- A. EMS REPORT – N/A
- B. NURSE AIDE REPORT – Ann Reed, Director of Licensing
- C. OFFICE OF GENERAL COUNSEL REPORT – Ronda Webb-Stewart, OGC

XIII. ORDERS.

- A. CONSENT ORDER(S) – N/A

XIV. REGULATION(S).

- A. **BOARD APPROVAL FOR RULEMAKING HEARING**
N/A
- B. **PROPOSED RULE LANGUAGE**
N/A